IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Bail Appl..No. 1606 of 2007()

CP.45/2006 of J.M.F.C., SASTHAMCOTTA
CRIME NO.252/05 OF CHAVARA THEKKUMBHAGAM POLICE STATION

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: PETITIONERS/ACCUSED 2,3 AND 5

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1. LEJU, S/O JOSEPH,
   PANAVILA HOUSE, ARUNELLOOR,
   THEVALAKKARA VILLAGE, KOLLAM.

2. RAJAN, S/O STEPHAN,
   THATTEL HOUSE, PARINGALAM,
   MONRETHURUTHU VILLAGE, KOLLAM.

3. RAJESH, S/O STEPHEN,
   JOSEPH NIVAS, THEVALAKKARA VILLAGE,
   KOLLAM.

BY ADV. SRI.K.BABU THOMAS

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REP.BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   CHAVARA THEKKUMBHAGAM POLICE STATION,
   KOLLAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1606 OF 2007 A

Dated this the 16th day of March, 2007

O R D E R

Petitioners, who are accused Nos.2, 3 and 5 in Crime No.252/05 of Chavara Thekkumbhagam Police Station for offences punishable under sections 143, 147, 148, 323, 324 and 308 read with section 149 IPC, seek anticipatory bail.

2. Consequent on the non-appearance of the petitioners in C.P.No.45/06 on the file of the JFCM, Sasthamcotta, non-bailable warrants of arrest are pending against the petitioners. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioners should not surrender before the committal court and seek regular bail. Accordingly, if the petitioners surrender before the committal court and file an application for regular bail, within two weeks from today, the same shall be considered and disposed of on merits, preferably on the same date on which it is filed, after examining the explanation, if any, offered by the petitioners for their previous non-appearance as well.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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